

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ZURICH AMERICAN INSURANCE  
COMPANY,

Plaintiff,

v.

TYREE HOLDINGS CORP.,

Defendant.

Civil Action  
No. 14-4127 (JBS/KMW)

**ORDER FOR DEFAULT JUDGMENT**

This matter comes before the Court on Plaintiff Zurich American Insurance Company's (hereinafter, "Plaintiff") motion for default judgment in the amount of \$127,348.83 plus interest, costs, and attorney's fees. [Docket Item 6.] Plaintiff filed the Complaint in this action on June 27, 2014 [Docket Item 1], and effectuated service of Plaintiff's Complaint on July 2, 2014. [Docket Item 4.] Defendant filed no response to Plaintiff's Complaint, and the Clerk of Court accordingly entered default against Defendant for failure to plead or otherwise defend on August 4, 2014.

Plaintiff filed the pending motion for default judgment on August 19, 2014, which was returnable on September 15, 2014. [Docket Item 6.] In support of the pending motion, Plaintiff's counsel submitted the affidavit of the "Legal Collections Specialist" responsible for the collection of certain debts owed to Plaintiff by policyholders. [Docket Item 6-1.] The

affidavit demonstrates that Defendant Tyree Holdings Corp. (hereinafter, "Defendant") has failed to remit to Plaintiff certain premium and surcharge payments in accordance with Defendant's obligations under its general liability insurance policy with Plaintiff. [Docket Item 6-1.] The affidavit also sets forth, with specificity, the twenty-two (22) outstanding invoices that collectively reflect an outstanding debt of \$127,348.83. [Docket Item 6-1 at ¶ 6.] Defendant has not filed a response to the pending motion, and default judgment may be granted when a party fails to plead or otherwise defend. FED. R. CIV. P. 55. The Court will therefore enter default judgment in favor of Plaintiff in the amount of \$127,348.83.

The amount of this default judgment in a sum certain will be augmented by interest accruing to the date of the entry of Judgment; Plaintiff has sought leave to file an interest calculation as of the date of the Order granting default judgment as well as permission to file with the Clerk of the Court a request for taxing costs pursuant to Rule 54, Fed. R. Civ. P. (see Kadian Aff. at ¶ 10), and also for an award of attorney's fees for these collection efforts including the Complaint and Motion for Default (see Totzke Aff. at ¶ 9). Plaintiff shall submit an Affidavit containing the calculation of interest sought within fourteen (14) days, as well as its Affidavit of Costs and attorney's fees showing the statutory or

contractual basis for an award of fees herein, and submitted in the format required by L. Civ. R. 54.2. An amended default judgment will be entered if these submissions are timely made and approved by the Court.

Consequently, for good cause shown,

It is on this 17th day of September, 2014, hereby

**ORDERED** that default judgment shall be entered in favor of Plaintiff and against Defendant in the amount of \$127,348.83 plus interest, costs, and attorney's fees pursuant to Fed. R. Civ. P. 55(b)(2); and it is further

**ORDERED** that Plaintiff shall, within fourteen (14) days of entry of this Order, also submit its Affidavit calculating interest to the date of this Order, as well as its application for attorney's fees and expenses under L. Civ. R. 54.2.

s/ Jerome B. Simandle  
JEROME B. SIMANDLE  
Chief U.S. District Judge